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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding observations of the Committee on the Rights of the Child:
United Kingdom of Great Britain and Northern Ireland - Isle of Man**

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland - Isle of Man (CRC/C/11/Add.19 and Corr.1), received on 15 April 1998 and 14 September 1999, at its 647th meeting (see CRC/C/SR.647), held on 21 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report on the Isle of Man, which followed the established guidelines, and the written replies to its list of issues (CRC/C/Q/UK-IM/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee expresses its satisfaction that the inclusion in the delegation of representatives from the Isle of Man who are directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children on the island.

* At the 669th meeting, held on 6 October 2000.

B. Positive aspects

3. The Committee notes the Children and Families Services Plan (1997-2001) and the 1999 update of the Plan which dealt, inter alia, with children with disabilities, child protection, residential care, foster care and adoptions, juvenile justice and family support matters.

C. Subjects of concern and Committee recommendations

1. General measures of implementation

Reporting

4. The Committee notes with concern that the State party has not yet extended the Convention to all of its Crown Dependencies, specifically Jersey and Guernsey.

5. The Committee recommends that the State party submits in its next periodic report, information concerning the measures taken to extend the Convention to all of its Crown Dependencies.

Reservations to the Convention

6. The Committee is concerned that the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Isle of Man. The Committee welcomes the island's commitment to discussing further the possible withdrawal of all of its reservations to the Convention.

7. In the light of the 1993 Vienna Declaration and Programme of Action, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to their full withdrawal, including with respect to the Isle of Man. In order to remove the apparent obstacles to the withdrawal of the reservation to article 37 (c) of the Convention, the Isle of Man is encouraged to reinforce it efforts to complete the construction of a separate security unit for children deprived of their liberty.

Legislation

8. The Committee notes that the Isle of Man will introduce in the next session of the legislature a new Children and Young Persons Bill, as well as bills to incorporate the Hague Convention on Protection of Children in Respect of Intercountry Adoption of 1993 and the European Convention on Human Rights. The Committee is concerned, however, that domestic legislation in the Isle of Man does not fully reflect the principles and provisions of the Convention. In this context, the Committee expresses concern that the draft Children and Young Persons Bill focuses more on a social welfare and service approach rather than a rights based approach to child protection and care.

9. The Committee encourages the State party to continue its efforts in the area of law review and reform in order to ensure that the laws are in full conformity with the principles and provisions of the Convention and reflect a rights based approach to child protection and care.

Coordination

10. The Committee notes that the Department of Health and Social Security is the principal agency with responsibility for child welfare in the Isle of Man. The Committee further notes the role of the Department in the development and implementation of the Child Care Strategy, introduced in 1997. The Committee is concerned, however, that insufficient efforts have been made to establish a more comprehensive coordinating mechanism to promote and implement the Convention and to ensure greater involvement of all government agencies working with and for children, as well as the wider civil society, in the process. Concern is also expressed that non-governmental organizations (NGOs) were not included in the preparation of the report of the Isle of Man.

11. The Committee recommends that the Isle of Man establish a coordinating mechanism for the promotion and implementation of the Convention and allocate adequate resources (human and financial) to ensure its effective functioning. The Committee encourages the Isle of Man to continue its efforts to extend the Child Care Strategy for an additional five years and to develop the strategy further in order to ensure greater participation by all relevant government agencies and departments. It is also recommended that the Isle of Man consider elaborating a comprehensive plan of action for the implementation of the Convention. Additionally, the Isle of Man is encouraged to reinforce its efforts to include NGOs in the promotion, coordination and implementation of children's programmes. Efforts should also be made to ensure their participation in the preparation of the next periodic report of the Isle of Man.

Data collection

12. The Committee is concerned that the data collection mechanism of the Isle of Man includes the collection of data on children up to the age of 15 years only.

13. The Committee recommends that the Isle of Man take all appropriate measures to ensure the development of a comprehensive data collection mechanism that incorporates all the areas covered by the Convention and covers all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children in the juvenile justice system; children born out of wedlock; child victims of sexual abuse and neglect; institutionalized children; child victims of drug abuse; and children with disabilities.

Monitoring mechanisms

14. While the Committee notes that the Police Act provides for the creation of a police complaints commission to address human rights violations by the police, it is concerned that insufficient efforts have been made to establish a child rights focal point within the Commission to address complaints of violations of the rights of children by the police. The Committee also notes with concern that children are not allowed to submit complaints to the Police Complaints Commission unless a relevant adult is present while the statement of complaint is being taken. Concern is also expressed at the insufficient efforts made to establish an independent, child-friendly, human rights monitoring mechanism to review administrative decisions affecting children and to address complaints from children concerning violations of their rights by government agents other than the police.

15. The Committee recommends the establishment of a child rights focal point within the Police Complaints Commission. It also recommends that the Isle of Man consider introducing measures to facilitate children who wish to do so making complaints to the Commission in the absence of an adult. It further recommends that the Isle of Man reconsider establishing an independent, child-friendly, accessible mechanism, separate from the Police Complaints Commission, to address complaints from children concerning violations of their rights and to provide remedies for such violations, in keeping with the Paris Principles (United Nations General Assembly resolution 48/134). In this context, the introduction of awareness-raising campaigns is encouraged in order to facilitate the effective use of these mechanisms by children.

Dissemination

16. The Committee notes that the Isle of Man has introduced a code of practice on access to government information which, inter alia, governs access to information on international agreements, including the Convention. The Committee also notes that the Isle of Man intends to make available, on its Web site, all of its periodic reports to United Nations human rights treaty bodies and to introduce training on human rights, including children's rights. However, the Committee is concerned that insufficient efforts have been made actively to disseminate the principles and provisions of the Convention and that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights based approach enshrined therein.

17. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee encourages the Isle of Man to reinforce its efforts to introduce training on and/or sensitization about the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Committee also recommends that the Isle of Man integrate the Convention into the curricula at all levels of the educational system.

2. Definition of the child

18. The Committee notes with concern that the Children and Young Persons Bill proposes to abolish the presumption that children between the ages of 10 and 14 years are doli incapax (incapable of committing a criminal offence), which means that legally the minimum age of full criminal responsibility is lowered from 14 to 10 years. The Committee expresses concern regarding the low legal age for criminal responsibility in the Isle of Man (10 years). Additionally, the Committee is concerned that the law does not adequately provide for the special protection and care of children who have attained the age of 17 years.

19. The Committee strongly recommends that the Isle of Man reconsider its decision to abolish the principle of doli incapax for very young children. The Committee also recommends that the Isle of Man review its legislation with a view to increasing the age of criminal responsibility and to ensuring full conformity with the principles and provisions of the Convention. It further recommends that existing legislation be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

3. General principles

20. The Committee wishes to express its concern that the Isle of Man does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

21. It is the Committee's view that further efforts should be undertaken to ensure that the principles of the Convention are appropriately integrated into all legal amendments, as well as judicial and administrative decisions, and projects, programmes and services which have an impact on children. The Committee recommends that the Isle of Man take all appropriate measures to ensure that policy discussions and decision-making regarding the rights of children are guided by the general principles of the Convention, in particular the principle of respect for the views of the child.

Non-discrimination

22. The Committee expresses concern that the Isle of Man does not appear to have fully taken into account article 2 (the general principle non-discrimination) of the Convention in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. In this context, concern is expressed at the insufficient efforts made to provide against discrimination based on sexual orientation. While the Committee notes the Isle of Man's intention to reduce the legal age for consent to homosexual relations from 21 to 18 years, it remains concerned about the disparity that continues to exist between the ages for consent to heterosexual (16 years) and homosexual relations.

23. It is recommended that the Isle of Man take all appropriate measures, including of a legislative nature, to prevent discrimination based on the grounds of sexual orientation and to fully comply with article 2 of the Convention.

4. Family environment and alternative care

Domestic violence, ill-treatment and abuse

24. The Committee notes the efforts of the Isle of Man to prevent domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children through, inter alia, the introduction of the Child Protection Policy, the employment of family aids to work with at risk families and the establishment of family centres to provide training in parenting. In this regard, the Committee also notes the establishment of a sex offenders therapy programme for adult perpetrators found guilty of child abuse. The Committee remains concerned, however, at the increasing incidence of domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children.

25. In the light of article 19, the Committee recommends that the Isle of Man reinforce its efforts to prevent and combat domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children. It is further recommended that the Isle of Man take all appropriate measures to ensure that cases of domestic violence, ill-treatment and sexual abuse of children are properly investigated within a child-friendly judicial procedure and that sanctions are applied to perpetrators, due regard being given to protecting the right to privacy of the child. Additionally, all appropriate measures should be taken to guarantee the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention.

Corporal punishment

26. While noting that the Education Bill 2000 will prohibit the use of corporal punishment in schools and that the Criminal Justice Bill 2000 will prohibit its use within the juvenile justice system, the Committee is gravely concerned that corporal punishment is still practised and widely accepted in the Isle of Man.

27. The Committee recommends that the Isle of Man reinforce its efforts to prohibit by law and eliminate the use of corporal punishment in schools, care institutions and the juvenile justice system. The Committee further recommends that the Isle of Man take all appropriate measures to prohibit the use of corporal punishment in the home. In this context, it is suggested that awareness raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

5. Basic health and welfare

Adolescent health

28. The Committee notes the efforts of the Isle of Man to address adolescent health concerns, particularly in the area of alcohol abuse. In this regard, the Committee notes the elaboration of an alcohol strategy and the development of an alcohol prevention programme at the secondary school and college levels. While welcoming the "Smoke Busters" programme introduced at the primary and lower secondary school levels to prevent and combat smoking among children, the Committee expresses concern that cigarette smoking is still prevalent among school-age children, especially girls. While the Committee notes the enactment of the Mental Health Act, which came into force in April 2000, it is concerned that additional efforts are needed to strengthen child mental health services. The Committee further notes that additional efforts are also needed better to address adolescent reproductive health concerns, particularly as regards teenage pregnancy and sexually transmitted diseases (STDs).

29. The Committee encourages the Isle of Man to reinforce its efforts in addressing drug and alcohol abuse and cigarette smoking among adolescents, especially among schoolgirls. The Committee recommends that all appropriate measures be taken to strengthen reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent reproductive health concerns, including the incidence of STDs. Additionally, it is recommended that the Isle of Man undertake further measures, including the allocation of adequate human and financial resources, to ensure the provision of youth-friendly care, counselling and rehabilitation services for adolescents and to strengthen child mental health services.

Disabilities

30. The Committee notes the efforts of the Isle of Man to establish programmes for children with disabilities, including integration and community based care programmes. It is concerned, however, that insufficient efforts have been made to ensure adequate legal protection of children with physical disabilities.

31. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations the Committee adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV.D), the Committee recommends that additional efforts be made to: enhance early identification programmes to prevent disabilities; strengthen special education programmes for children with disabilities; and, where possible, encourage the inclusion of children with disabilities in the regular school system and more generally in society. Adequate resources should be allocated to ensure the effective

implementation of programmes for children with disabilities and to encourage further training for professionals working with and for these children. The Committee also recommends the enactment of legislation to guarantee the rights of children with physical disabilities.

Social Security

32. The Committee notes that the Isle of Man's social security system provides financial support to families with children and additional assistance to single parent and low income families. The Committee also notes that the social security system provides for the training, education and employment of young people aged 16 and 17 years who are unable to find employment. The Committee is concerned, however, that additional efforts are needed to strengthen the social security system to ensure the full implementation of the economic, social and cultural rights of all children below the age of 18 years.

33. The Committee encourages the Isle of Man to reinforce its efforts to provide adequate support and assistance through its social security support for economically disadvantaged children below the age of 18 years.

6. Education, leisure and cultural activities

34. The Committee welcomes the "INCLUDE" programme and the "Bridge" project, which provide additional support to students with behavioural concerns. It is noted with appreciation that student councils have been established to encourage the participation of such children within the school environment. The Committee notes that the Manx Gaelic language is currently taught as an option in all primary schools for a two-year period and that the Department of Education is currently reviewing the possibility of establishing a Gaelic-medium School, to commence in September 2002. While the Committee notes that the Isle of Man has appointed attendance officers to ensure the regular attendance at school of students of compulsory school age, it is concerned about the insufficient information provided on truancy and drop-out rates and the programmes implemented to prevent and discourage these practices. The Committee notes that the efforts to include the National Council for Vocational Qualifications (NCVQ) courses in the school curriculum for students between the ages of 14 and 16 years have regrettably been unsuccessful. While noting that students may, through their parents, discuss with the school principal any concerns regarding violations of their rights, the Committee is concerned that insufficient effort has been made to establish a formal complaints procedure for students whose rights have been violated.

35. The Committee encourages the Isle of Man to continue its efforts in promoting the Gaelic language in schools. The Committee recommends that the Isle of Man provide additional information on the actual situation of education in its next periodic report, particularly as regards truancy and drop-out rates. The Committee encourages the Isle of Man to continue its efforts to develop vocational options for children between the ages of 14

and 16 years. The Committee further encourages the Isle of Man to establish a complaints procedure within the school system for students, at all levels, whose rights have been violated.

7. Special protection measures

Child labour

36. The Committee notes the Isle of Man's reservation with respect to article 32 of the Convention and is concerned about the lack of information and adequate data on the situation with regard to child labour and economic exploitation in the island.

37. The Committee encourages the Isle of Man to consider withdrawing its reservation to article 32 of the Convention. The Committee recommends that the State party undertake a comprehensive study to assess the situation with regard to child labour in the Isle of Man. Additionally, the Committee encourages the Isle of Man to introduce and/or strengthen, where appropriate, monitoring mechanisms to ensure the enforcement of labour laws and to protect children from economic exploitation, particularly in the informal sector. The Committee also suggests that the State party consider extending to the Isle of Man ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour. The Committee further suggests that the State party consider extending to the Isle of Man ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Drug and substance abuse

38. The Committee notes that the Isle of Man has elaborated a five year drug strategy and developed a drug prevention programme at the secondary school and college levels. However, the Committee is concerned about the increasing incidence of drug abuse among youth on the island. The Committee notes the introduction of an "arrest referral scheme" and welcomes any steps to divert child victims of drug abuse from entering the criminal justice system.

39. In the light of article 33 of the Convention, the Committee recommends that the Isle of Man reinforce its programmes to guarantee greater protection of children against the illicit use of narcotic drugs and psycho-tropic substances and to prevent the use of children in the illicit production and trafficking of such substances. The Isle of Man is also encouraged to continue its efforts to strengthen rehabilitation programmes for child victims of drug and substance abuse.

Juvenile justice

40. The Committee notes the efforts of the Isle of Man in the area of juvenile justice, in particular the recent enactment of the Police Powers and Procedures Act (1998) which, inter alia, introduces additional safeguards for children under the age of 17 years who come into conflict with the law. The Committee regrets that the Act does not provide adequate legal protection for

all children below the age of 18 years. The Committee notes that the Isle of Man legislature is currently considering the Criminal Justice Bill 2000, which is intended, inter alia, to prohibit the imposition of corporal punishment as a sentence by the island's courts. The Committee is concerned about the dearth of information regarding the practical implementation of the legislative and policy initiatives undertaken in the juvenile justice system, particularly with respect to:

(a) The attempts to shorten the length of time before the hearing of juvenile cases; the adequacy of facilities for children in conflict with the law, including girls; and the availability of trained personnel to work with children in this regard;

(b) Adequate access to education, health, counselling and other rehabilitative services; and the availability of a complaints mechanism for children whose rights have been violated.

41. The Committee recommends that the State party submit, in its next periodic report, additional information regarding the practical implementation of the legislative and policy initiatives undertaken in the Isle of Man within the juvenile justice system to ensure that:

(a) The juvenile justice system is reformed in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Training programmes on relevant international standards are introduced for all professionals involved with the juvenile justice system;

(c) Deprivation of liberty is considered only as a measure of last resort and for the shortest possible period; the rights of children deprived of their liberty are protected, including their right to privacy; and children remain in contact with their families while in the juvenile justice system.

42. The Committee encourages the Isle of Man to reinforce its efforts to enact the Criminal Justice Bill 2000, which will prohibit by law the imposition of corporal punishment as a sentence by the island's courts.

8. Ratification of the Optional Protocols

43. The Committee recommends that the State party consider ratifying and extending to the Isle of Man the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

9.. Dissemination of reports

44. **The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**